

REMARKS

The applicants have carefully considered the Office action dated February 22, 2008, and the references it cites. By way of this Response, claim 73 has been amended. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

The 35 U.S.C. § 112 Objections

Claims 30, 31, and 73 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. As detailed in the above listing of the claims, independent claim 73 has been amended to provide antecedent basis for “the impact”. Accordingly, it is respectfully submitted that independent claim 73 and all claims depending therefrom are in condition for allowance.

The 35 U.S.C. § 103 Rejections

Claims 30, 31 and 73 were rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (U.S. Patent 6,187,411) in view of Jaster et al. (US. Patent 5,347,755). Additionally, claims 30, 31 and 73 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jaster et al. in view of Palmer. Applicants respectfully traverse these rejections.

Independent claim 73 recites a first door panel having a relaxed shape that is recoverable from an impact. Additionally, claim 73 recites a flexible fabric covering that at least partially covers the resilient core such that the first door panel is able to substantially recover its relaxed shape after the impact causes appreciable distortion in

the first door panel. Further, claim 73 recites a plurality of adjacent relatively rigid segments interposed between the resilient core and the flexible fabric covering.

The Office action of February 22, 2008 alleges that Palmer discloses some of the claimed elements but fails to disclose the panel to be actuated between an open and closed position to cover an opening (pg. 2 of the Office action of February 22, 2008). The Office action further suggests that Jaster et al. discloses a door actuating system which moves panels horizontally to cover an opening within a wall and that “it would have been obvious to provide the flexible door panel of Palmer with a drive system as taught by Jaster since a drive system allows the panel to be moved between two positions” (pgs. 2 and 3 of the Office action of February 22, 2008).

Palmer describes a sandwich panel that allegedly reduces damage upon an impact. Palmer describes skins 12 and 14 that are stitched to a core 10 and then impregnated with resin such as epoxy and cured (see generally Palmer, col. 5, lines 6 – 8, 39 – 41, and 61). As is well-known in the art, curing epoxy changes the epoxy to a hardened solid. As is also well-known, a hardened solid will not recover its shape after an impact causes distortion. Palmer fails to disclose, teach or suggest a door that includes a flexible fabric covering that at least partially covers a resilient core such that a first door panel is able to substantially recover its relaxed shape after an impact causes appreciable distortion in the first door panel.

FIGS. 7 and 8 of Palmer also illustrate a plurality of foam stiffeners 56 disposed between an upper skin 52 and a lower skin 54 which are stitched through by stitching 58 (see generally Palmer, col. 6, lines 45 – 48). Palmer does not disclose, teach or suggest a

door that includes a plurality of adjacent relatively rigid segments interposed between a resilient core and a flexible fabric covering.

Jaster et al. describes “a door that opens at a relatively high rate of speed to facilitate the transfer of material from an operator to a customer, in the case of a “drive-through window” (col. 1, lines 49-51). Jaster et al. does not disclose, teach or suggest a door having a plurality of adjacent relatively rigid segments interposed between a resilient core and a flexible fabric covering. Additionally, Jaster et al. does not disclose, teach or suggest a door that includes a flexible fabric covering that at least partially covers a resilient core such that a first door panel is able to substantially recover its relaxed shape after an impact causes appreciable distortion in the first door panel.

Next, the Office action of February 22, 2008 alleges that Jaster et al. discloses a door actuating system, but concedes that Jaster et al. fails to disclose the panel to be flexibly reinforced and covered with a fabric (pg. 3 of the Office action of February 22, 2008). The Office action further suggests that Palmer discloses a panel having a flexible fabric covering, a foam core, and a plurality of rigid segments, and that “it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Jaster et al. with a flexible panel as taught by Palmer since a flexible panel allows the panel to be distorted without losing its material properties” (pg. 3 of the Office action of February 22, 2008).

As described above, Palmer describes skins 12 and 14 that are stitched to a core 10 and then impregnated with resin and cured (see generally Palmer, col. 5, lines 6-8, 39 – 41, and 61). Also, Palmer describes a plurality of foam stiffeners 56 disposed between an upper skin 52 and a lower skin 54 which are stitched through by stitching 58 (see

generally Palmer, col. 6, lines 45 – 48). Palmer does not disclose, teach or suggest a door that includes a flexible fabric covering that at least partially covers a resilient core such that a first door panel is able to substantially recover its relaxed shape after an impact causes appreciable distortion in the first door panel. Additionally, Palmer does not disclose, teach or suggest a door that includes a plurality of adjacent relatively rigid segments interposed between a resilient core and a flexible fabric covering.

As discussed above, the references fail to describe a door that includes a flexible fabric covering that at least partially covers a resilient core such that a first door panel is able to substantially recover its relaxed shape after an impact causes appreciable distortion in the first door panel. Additionally, the references fail to describe a door having a plurality of adjacent relatively rigid segments interposed between a resilient core and a flexible fabric covering. Therefore, the proposed combinations of Palmer and Jaster et al. used as the bases for the obviousness rejections do not teach or suggest all of the recitations of the claims. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” M.P.E.P. 2143.03. “All of the words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974). Consequently, the obviousness rejection for all outstanding claims cannot stand and the claims are in condition for allowance.

Conclusion

Based on the foregoing remarks, it is respectfully submitted that all claims are in condition for allowance. If the Examiner is of the opinion that a telephone conference

would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455.

Please refund any overpayment to Hanley, Flight & Zimmerman, LLC at the address below.

Respectfully submitted,

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May 21, 2008